76

HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No.5670 of 2007

PETITIONER Smt. Laxmi J Sha, widow of Late Jawaharlal Shah, Aged About 47 years, resident of Sadar Bazar, Raipur & Bilapur, through her power of Attorney Shri Gyanesh Shah S/o Jethalal Shaha R/o Sadar Bazar, Raipur

VERSUS

RESPONDENTS

1. The Rent Controlling Authority, Bilaspur
2. Shri Julfikar Alia @ Jullu, Son of Syed Basharat Ali, Proprietor Jafar Electrical Store, Marwadi Line, Sadar Bazar, Bilaspur.

Petition under Article 227 of the Constitution of India

Present: Shri B.P. Sharma, counsel for the petitioner.

ORAL ORDER
(Passed on 20th September, 2007)

Learned counsel for the petitioner restricts his prayer that a direction be issued to the Rent Controlling Authority, Bilaspur to decide the matter expeditiously in the light of the provisions of Section 23-D of Chhattisgarh Accommodation Control Act, 1961, which is reproduced as under:

> "**23-D. Procedure to be followed by Rent Controlling Authority or grant of leave to tenant to contest**- (1) Where leave is granted to the tenant to contest the application, the Rent Controlling Authority shall commence the hearing of the application as early as practicable and decide the same, as far as may be, within six months of the order of granting of leave to the tenant to contest application.
>
> (2) The Rent Controlling Authority shall, while holding an enquiry in a proceeding to which this Chapter applies, follow as far as practicable, the practice and procedure of a Court of Small Causes including the recording of evidence under the Provincial Small Cause Courts Act, 1887 (IX of 1887). The Rent Controlling Authority shall as far as possible, proceed with the hearing of the application from day to day.

[1][(3) In respect of an application by a landlord it shall be presumed, unless the contrary is proved, the requirement by the landlord with reference to clause (a) or clause (b), as the case may be of section 23-A is *bona fide*.]"

From the perusal of above provision it is incumbent upon the Rent Controlling Authority concerned to decide the matter as provided under the law. However, as three years have passed and the matter is still pending, the authority concerned is directed to ensure that the matter is decided expeditiously in letter and spirit of the Chhattisgarh Accommodation Control Act, 1961.

With the aforesaid observations, the writ petition is disposed of.

Sd/-
Acting Chief Justice